REMARKS

Applicant appreciates the time and consideration for the telephonic interview taken by Supervisory Examiner Barron & Examiner Okeke to discuss the pending claims on or about December 10, 2008. During the Interview, presently pending Claims 6 - 21 and Claims 30 - 31 and the references were discussed. Applicant greatly appreciates identification of patentable subject matter in the November 19, 2008 non-final Office Action and confirmed in the Interview Summary dated December 17, 2008. Applicant respectfully thanks Supervisory Examiner Barron & Examiner Okeke for the helpful suggestions to put the allowable subject matter into condition for allowance and the express instructions to "... include arguments presented during the interview to address the rejection. Examiner will respond accordingly" (Paper No. 20081210).

Applicant has taken steps to expedite the prosecution of this application and place it in condition for allowance. For business reasons, Applicant desires to have a patent on the allowable subject matter as soon as possible. Accordingly, Applicant has canceled all claims other than the claims identified by the Office as "allowable subject matter" (namely, Claims 8, 10, 15-17, 19 and 31) in order to expedite the prosecution of this patent application. Applicant cancels the remaining claims without prejudice to Applicant's right to pursue the remaining claims in a continuation application. Applicant intends and will file at least one continuation (and/or continuation-in-part) application in order to seek allowance of the remaining claims, and will make amendments and/or arguments to address certain contentions made by the Office in the Action dated November 19, 2008 and during the Interview on or about December 10, 2008, as expressly instructed by the Office.

Applicant has re-written Claims 8, 10, 15-17, 19 and 31 to include all of the limitations of Independent Claim 6 and Independent Claim 30, respectively. Accordingly, Applicant respectfully requests entry of the amendments, reconsideration of the application in view of the arguments presented at the express instructions of the Office, and timely notice of allowability. After entry of the amendments, only Claims 8, 10, 15-17, 19 and 31 will be pending, and as noted above, the Office has already indicated allowability on Page 2 of the non-final Office Action dated November 19, 2008 and confirmed during the Interview on or about December 10, 2008. *Please see* 37 CFR § 1.111. Additionally, *please see*, MPEP § 701.01 & MPEP § 608.01(n).

If the Office believes that an interview with the Applicant, either by telephone or in person, would further prosecution of this application, Applicant would welcome the opportunity for such an interview.

Though the Applicant has indicated a willingness to cancel the non-allowed claims, the Applicant hereby preserves the right[s] to challenge the

substantive rejections of the non-allowed claims, and to preserve for the record Applicant submits the following brief summary of the arguments:

1) The reference cited in the 102 rejections (namely, U.S. Patent No. 5,142,576 issued to Nadan) does not disclose or anticipate Claims 1-7, 9, 11-14, 18, 20, 21 and 30, for at least the reason that Nadan fails to disclose the step of "providing a digital signal comprising digital data and file format information defining how the digital signal is encoded". Please note that Claims 1-5 & 21-29 were cancelled without prejudice or disclaimer previously. Nadan discloses [emphasis added]: "Applicant and other related companies are in the business of <u>distributing realtime financial market information</u>" (Col. 1 ll. 15-18). The Nadan reference appears to teach away the claims stating [emphasis added]: "Applicant has recognized that usually only small portions of the full page change from field to field. It is therefore necessary <u>*to transmit only the information which is changing and then to store this update data, along with the unchanged data, at the video display for subsequent display*</u>." (Nadan at Col. 1 ll 58-63). It is unclear how Nadan is interpreted in view of the claims as presented & how the Office interprets Nadan's "update information". Respectfully, can "realtime financial market information" be "predetermined"? *Please see* MPEP § 2131.02.< "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

2) Nadan's alleged "key" apparently restricts access by key matching "... When said decoder matches the key sent with said update, said decoder receives the update data and appropriately positions said update data in respective pages in a store for subsequent viewing on a video display" (Nadan at Abstract). Applicant respectfully traverses the assertion that this anticipates or suggests a "predetermined key" as claimed. In support of the Applicant's argument, *please see*, Figure 6 "comparator"; Col. 1 ll. 58-63; Col. 3 ll. 1-13 "... the video signals representing market information are being transmitted asynchronously..."; Col. 3 ll. 55-57 "replacing 'tiles' in the relevant page."; Col. 4 ll. 40-62 "... to compare one page with the update of the page to extract therefrom only the update data."; Col. 5 ll. 5-10 "Each of the received display ID codes are compared with a unique display code ..."; & Col. 6 ll. 10-17.

3) Independent Claim 6 recites "creating a predetermined key to manipulate the digital signal" & "manipulating the digital signal

using the predetermined key to generate at least one permutation of the digital signal parameterized by the file format information defining how the digital signal is encoded". Similarly, Independent Claim 20 & Claim 30 recite "creating a predetermined key comprising a mask set" & "creating a predetermined key to manipulate the file format information in one or more of the plurality of frames wherein the file format information defines how the digital data is encoded", respectively. Nadan at Col. 4 ll. 40-62 is concerned with "update information". Significantly, if we could *predetermine* Nadan's "update information" could it logically follow that we *know* "update information" or "realtime", in advance? It is unclear for argument's sake that this is possible even given the plain meaning of "predetermine". Clarification is thus earnestly and respectfully sought on the Office's interpretation. With regards to Claim 11 & Claim 18, Applicant respectfully traverses the assertion that Nadan discloses or anticipates watermarks as claimed. Applicant respectfully submits that the reference and the art does disclose or anticipate the elements of the claims; thus, the rejections based on a prima facie case of anticipation must be respectfully withdrawn.

Conclusion

Applicant maintains that this application is in condition for allowance, and such disposition is earnestly solicited. Applicant's silence as to the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection. If the Examiner believes that an interview with the Applicant, either by telephone or in person, would further prosecution of this application, we would welcome the opportunity for such an interview.

It is believed that no other fees are required to ensure entry and consideration of this response.

Respectfully submitted,

Date: March 19, 2009

By: _____

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